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VIRGINIA IN 1677.

(Abstract by W. N. SAINSBURY, and copies of the McDonald and De Jarnette Papers, Virginia State Library.)

(CONTINUED)

Whitehall, Aug. 6, 1677

SECRETARY COVENTRY TO COLONEL HERBERT JEFFREYS—Notifies death of Sir William Berkeley and appointment of Lord Culpeper to the Government of Virginia. His Maj^a command to give Jeffreys particular notice thereof and also of his Maj^a kind and gracious intentions towards him, to wit, That alto' Lord Culpeper is to enter upon and enjoy the salary of Governor from the time of Sir Wm. Berkeley's death yet his Maj. will take care Jeffreys shall be no loser thereby and that no part of the Salary he now receives shall be abridged so long as he continues in that Government.

(Colonial Entry Book, No. 95. p. 135.)

Whitehall, Aug. 6, 1677

SECRETARY COVENTRY TO COL. JEFFREYS—Has received his letter of 11 June but it came in the beginning of a sickness which is yet so severe he is hardly able to write. Congratulations on the peace he has made with the Indians. As for the letter and other transactions of Sir W. Berkeley, he came here alive, but so unlike to live that it had been very inhuman to have troubled him with any interrogations so he died without any account given of his Government. Upon his death Lord Culpeper kissed the King's hands as Governor by virtue of

his former Patent. Has not been able to attend the Council since the declaring Lord Culpeper Governor, but with returning strength will draw clear and positive resolutions concerning Jeffreys & the Government. Wishes his brother Commiss^{rs} were here for till they come we must remain in the dark as to many very essential things. 2 pp.

(Colonial Entry Book No. 95. p. 136.)

Whitehall, Aug. 9, 1677.

MINUTES OF A COMMITTEE OF TRADE AND PLANTATIONS—
That his Maj. was hastening Lord Culpeper to his Govern^t in Virginia & having proposed to him to be ready by Christmas he had offered to be ready by Michaelmas— Lord Berkeley complains of the accusations against his brother the Gov^r & desired them in writing that he might disprove them he also complained against the Officers now in Virginia, particularly Col. Jeffreys for assuming the style of Gov^r & that he is about to call on Assembly which may prove of pernicious consequence. Their Lordships answer that when M^r Attorney shall report upon the Law there touching confiscations it will naturally lead to the consideration of what is moved in the first point, and as to the second their Lordships agree that a sudden Meeting of the Assembly there may not be for his Maj^{'s} service: to be added to the Instructions of Col. Parks (who is now on his departure) to advertize the Officers there that Lord Culpeper would be suddenly on the place and would bring with him all materials from his Maj. touching their laws & the composition of all things in that Colony & that they desist from calling an Assembly unless there do fall out some such extraordinary occasion for it as cannot be here foreseen. It was observed by Sir Jos. Williamson that tho' Col. Parks [Col. Jeffreys?] carries with him the powers of a Gov^r he could not assume any other title than what the broad seal gave him and that it was a vanity in him to go beyond it, yet having taken the oath administred to Governors he pretends to justify what he has done in point of the Title.

(Colonial Entry Book No. 105. pp. 105-6.)

Whitehall, Aug. 25, 1677

THE KING TO HERBERT JEFFREYS, LIEUT GOVERNOR AND THE COUNCIL OF VIRGINIA—To the same effect and almost in the same words as the letter from Secretary Coventry of 6th Aug. present. (which see)

(Colonial Entry Book No. 95. p. 137.)

Whitehall, Aug. 25, 1677

THE KING TO HERBERT JEFFREYS, LIEUT GOVERNOR OF VIRGINIA—To the same effect and almost in the identical words as Secretary Coventry's letter of the 6th Aug. present. (which see)

(Colonial Entry Book No. 95. p. 138.)

Oct. 1, 1677.

TESTIMONIALS SIGNED BY SIR JOHN BERRY AND COL. FRANCIS MORYSON as to the charcaters of Captains Thomas Gardner, Larrimore, John Cousell, Morris, and Nicholas Prynne, the several Commanders of ships, together with a particular account of their respective service to his Majesty in the time of the late rebellion in Virginia. With certificate that this is a true copy of the original remaining in M^r Secretary Coventry's Office.

(Colonial Papers 2 pp.)

THE CASE OF SARAH*, WIDOW OF WILLIAM DRUMMOND.

To the Right Hon'ble the Lords Committee for Trade and Plantations.

*Wm. Drummond, one of the leaders in Bacon's Rebellion, had in 1648, obtained a lease of 25 acres of "the Governor's Land," near Jamestown. In 1666 he had disputes with Governor Berkeley in regard to this land. This was probably the beginning of Berkeley's hostility to him. In 1663 he had been appointed Governor of North Carolina through Berkeley's influence. He left five children and some of their descendants long remained in James City County. One of Wm. Drummond's daughters, Sarah, married Hon. Samuel Swam, of Va, afterwards North Carolina, and another, Elizabeth (who died in 1699) was buried at "Green Spring" whence her tomb has been removed to the churchyard at Jamestown.

The humble Petition of Sarah Drummond the Wife and Relict of Will^m Drummond late Inhabitant in his Ma^{ties} Plantation in Virginia.

Most humbly sheweth,

Read That Your Petitioners said husband was, after the 9th late rebellion there, taken, stript and brought Oct. before S^r W. Berkley his Ma^{ties} then Governor there, 1677. who immediately (tho' in time of peace) was, without laying anything to his charge, sentenced to die by Martial law (although he never bore arms or any Military Office) not being permitted to answer for himself, or reserved for tryal according to the known laws of this his Ma^{ties} Kingdome as others were, and within four hours after sentence hurried away to execution by the Governor's particular order, who before that time (upon some private pique) had vowed that Your Petitioner's husband, should not live one hour after he was in his power.

That although the said S^r Wm. Berkley did invest the Widows of all the Rebels, that were either killed or executed in their husbands estates, nay even the Widow of that Grand Rebel Nath: Bacon (the only person excepted by His Ma^{ty's} gracious pardon) yet, so great was the said Governor's inveteracy against Your Petitioner's husband that he not only took away his life, but caused his small Plantation to be seized, and given to himself by the Council, his goods to be removed and imbezled, and forced Your Petitioner with her five poor children to fly from their habitation, and wander in the Deserts and Woods, till they were ready to starve. But upon the arrival of His Ma^{ty's} Commissioners, upon giving security, Your Petitioner was, by their charitable compassions reinvested in the said Plantation, and a small Remainder of her said husband's personal estate, until such time as, His Ma^{ty's} Pleasure should be known, without which she and her five children must inevitably have perished.

Forasmuch therefore, and for that Your Petitioner's said husband was sentenced, condemned, and executed, as afore-said, contrary to and against the Known Laws of His Ma^{ties} Kingdom. And for that his Ma^{ties} hath been graciously pleased (if your Petitioners said husband had been culpable) among many others to pardon him.

Your Petitioner, therefore, most humbly beseeches Your Lordships of your wonted compassion towards the distrest, so to intercede on her behalf to his Royal Ma^{ties} as that she may (with what speed conveniently may be) obtain his Ma^{ties} most gracious Order. That her said husbands small Estate (in whose hands soever it be) or the value thereof, may be entirely restored and confirmed to her, and her children for their future support and maintenance and particularly her said Plantation with the present Crop upon it, and that the Security she hath given to abide His Ma^{ties} pleasure may be cancelled.

And as in duty bound she
shall ever pray &c.
A true Copy teste W. Davis.

At the Court
the 19th October 1677.

Whereupon their Lordships agree to Report their opinions in the Order of Council following

Present

Order in	The Kings most Excellent Ma ^{ty}
the Case	Upon reading this day at the Board, a
of Mrs	Report from the R ^t Hon ^{ble} the Lords Com-
Drummond	mittee for Trade and Plantations upon the
	Petition of Sarah Drummond, late an Inhabitant of Virginia,
	in the Words following

May it Please your Ma^{ty}

We having this day met about the affairs of Virginia, and reading the Petition of Sarah Drummond the wife and relict of William Drummond late Inhabitant in that Plantation, setting

forth that her late husband, was after the late Rebellion there, taken, stript, and brought before S^r W^m Berkley Your Ma^{ties} Governor there, and by him immediately (tho' in the time of peace) was without laying anything to his charge, sentenced to dye by Martial Law (although he never bore Arms or any Military Office) not being permitted to answer for himself, or reserved for tryal, according to the known laws of this your Ma^{ties} Kingdom, as others were, but within four hours, after sentence being hurried away to execution by the Governors particular order, who before that time (upon some personall grudge) had vowed that the Petitioner's said husband should not live one hour after he was in his power. That although the said S^r W^m Berkley did invest the Widows of all the Rebels, that were either killed or executed in their husband's estates, nay even the widow of that grand Rebel Nath: Bacon the only person excepted by your Ma^{ties} most gracious pardon, yet so great was the said Governor's inveteracy against the Petitioners husband that he not only took away his life, but caused his small Plantation to be seized, and given to himself by the Council, his goods to be removed and Embezled and forced the Petitioner with her five poor children, to fly from their habitation, and wander in the woods and Deserts, till they were ready to starve. But at the Arrival of Your Ma^{ties} Commissioners, upon giving Security the Petitioner was upon their Charitable compassions reinvested in the said Plantation and a small Remainder of her said husbands personal Estate, until such time as Your Ma^{ties} pleasure should be known, without which she and her five children must inevitably have perished. And therefore, humbly praying since her said husband was sentenced to, and put to death, contrary to the Laws of this Kingdom, and since Your Ma^{ty} was graciously pleased to grant him Your pardon, among many others (in case he had been culpable) that you would vouchsafe to order the Petitioner to be restored unto and confirmed in, whatsoever Estate was so taken from her husband as aforesaid, particularly to her said Plantation and the Crop now upon it, and that the securitys given to abide Your Ma^{ties} pleasure may be cancelled and given up.

We having discoursed with S^r John Berry and Col. Morison touching the truth of the Petitioners allegations and finding the case in all the parts thereof, to be very deplorable, we cannot but recommend it to your Ma^{ties} grace and favour, to send Orders unto Coll. Jefferies the Lieutenant Governor and to Your Ma^{ties} Council there Requiring them to give all sort of assistance for the quieting of the Petitioner in the possession of all she hath, and enjoyment of the present Crop, as also in the Recovery of what hitherto she is not restored unto, or the value thereof, in whose hands soever the same may be found. But for as much as the case of the Petitioner and her said husband will fall under a general Rule that must comprehend this and many other like cases, which is not hitherto sufficiently considered of, therefore we do only propose this as a temporary relief unto the Petitioner, so that as to the last part of her prayer, We do not advise Your Ma^{ty} to the cancelling of such securities as she hath given, but rather that she might give further security such as the Lieutenant Governor and Council shall think fit, for what else may be recovered and restored unto her and so to remain until she receive Your Ma^{ties} final determination upon the whole matter.

All which is most
humbly submitted.

Finch C.
Craven
J. Williamson
Robert Southwell

Council Chamber
10th October 1677

A true Copy teste
W. Davis

His Ma^{ty} was pleased to approve of the Said Report and it was thereupon ordered by His Ma^{ty} in Council that the right Hon[']ble M^r Secretary Coventry do immediately prepare a Letter for his Ma^{ties} signature, to be sent to Coll. Herbert Jefferies Lieuten^t Governor of Virginia and to His Ma^{ties}

Council there, containing such directions as are mentioned in the above written Report.

Phi: Lloyd

Mrs Drumond did likewise present the Petition following, for Goods remaining in the hands of S^r John Berry.

Second To the Right Hon'ble the Lords and others
Petition of of his Ma^{ties} most Hon'ble Privey Council ap-
the widow pointed a Committee for Trade and Plantations.
Drummond.

The humble Petition of Sarah Drumond the Relict and
Administratrix of William Drumond late of Virginia deceased.
Sheweth,

Read That Whereas Your Petitioner having by
10th October her most humble supplication Remonstrated
1677. to Your Lordships the barbarous and inhuman
Execution of her said husband by the order and
authority of S^r W^m Berkley late Governor of that Plantation
and not only so but that his estate was seized, his goods removed
and imbezled and the Petitioner with her children, forced to
hide themselves in Deserts, least they should likewise partake
of the said Governor's cruelty.

And Your Lordships having discoursed with S^r John Berry
and Coll. Morison (his Ma^{ties} Commissioners) and finding
the Petitioners allegations to be true in each particular, Your
Lordships in Compassion to your Petitioners distressed con-
dition, were pleased by Your Report, to recommend Your
Petitioners case to His Ma^{ties} grace and favour, that His Ma^{ty}
would be pleased to order Coll. Jeffreys the Lieuten^t Governor
and his Ma^{ties} Council there not only to quiet the Petitioner
in the peaceable possession of her Plantation, and enjoyment
of the present Crop, but to the aiding and Assisting her, in
the Recovery of whatsoever Goods, or Estate hitherto is not
restored to her, or the full value thereof in whose hands soever
the same may be found.

But forasmuch as Your Lordships said Report hath Relation only to that part of her small Estate which remains un-restored in Virginia; And for that some part thereof viz^t One Trunk of Goods, four Quarter Cask of Brandy and several protested Bills of Exchange were seized by His Ma^{ties} Commissioners and it seems disposed of in Virginia by S^r John Berry who very honorably hath after promised to restore to your Petitioner the prime cost of all the said goods according to the Invoice together with the said Bills of Exchange as soon as he should be authorised to do it, which would be a very great relief to her having at present nothing to subsist with but perfect Charity.

Your Petitioner therefore most humbly prays that the said S^r John Berry may be required and authorised not only to pay and deliver to Your Petitioner the Prime Costs of the said Trunk of Goods and Four Cask of Brandy according to the said Invoice, but also the said Bills of Exchange, except only twelve pounds worth of Goods which she hath already received of him.

And your Petitioner shall pray &c.

A true Copy, teste W. Davis.

Whereupon a Letter was Ordered to be sent to S^r John Berry as follows

Spring Garden 13, Oct^r
1677

Letter to

S^r J. Berry Sir—

about the The enclosed Petition was upon Wednesday
Widow last presented to the Lords of the Committee,
Drummond. who having great compassion towards the

Widow Drummond, and being desirous that all she can pretend to, may be restored to her, for the support of herself and Children. And therefore finding you mentioned in the said Petition they commanded me to send the same on to you and to desire that you would let them know how that matter stands, that so they may Report the case to his Ma^{ty} and receive his gracious pleasure therein.

I am

S^r Your most humble serv^t

Robert Southwell.

Whereunto S^r John Berry made Answer as followeth.

Read on the 18th Oct. 1677. Sir John Berry in answer to S^r Robert Southwell's Letter, dated 13th October concerning Mris Drumonds pretentions, declares that being

Commander of His Ma^{ty}'s Ships in Virginia, he did seize, twelve hogsheads of Claret, four Quarter Cask of Brandy, a Trunk of Clothes, and some peeces of stuff not made up, as appears by Invoice from M^r Ervin their Correspondent, to whom there is thirty three pound due upon the Ballance of his account, of all which he hath long since given an account unto the Admiralty Office from Virginia at the receipt whereof His Ma^{ty} was pleased, as he is informed by M^r Sec^y Pepys to allow him the said Wine and Brandy for his extraordinary Expences in Virginia the Cloths being delivered in Virginia and the Stuff and all other things, now in his hands being ready for his Ma^{ty}'s disposal at the first signification of His Ma^{ty}'s pleasure.

Oct^r 17

John Berry

A true Copy teste

W. Davis.

There was likewise presented our Extract out of the Admiralty, in this case as followeth.

May 12 1677.

Minute of the Admiralty. At a Meeting of the Lords Commissioners of the Admiralty, at the robes.

Present

The Kings Most Excellent Ma ^{ty}	
Prince Rupert	Duke of Ormond
Lord Treasurer	Lord Ossory
Lord Privy Seal	Lord Craven

Sir John Berry's Request from Virginia for his Ma^{ty} granting him a small parcel of Wines by him seized in Port there, belonging to a Malefactor executed there, S^r John Berry setting forth, that he was driven to make use of them in the entertainment of the extraordinary company resorting on board him as Admiral & one of the Commissioners.

Granted, upon the Conditions he proposes of His Ma^{ty} being truly Entitled to the said Goods.

The above is a true Copy taken out of the Journal Book, kept by the Sec^{ties} of the Admiralty of Derby House.

Exaied this 25th Octo'ber 1677.

by me W^m Howes

After which Mrs Drummond by Order of the Committee, petitioned his Ma^{ty} in Council to the effect aforegoing whereupon was made the ensuing Order viz^t

At the Court at Whitehall

the 2nd of November 1677

Present

Lord Privy Seal	Lord Bp. London
Duke of Albemarle	Lord Bp. Durham
Earl of Essex	Visc ^t Maynard
Earl of Carlisle	M ^r Sec ^y Williamson
Earl of Craven	M ^r Chan of Excheq ^r
Viscount Newport	M ^r Chan of y ^e Dutchy

Order	The humble Petition of Sarah Drummond
for re-	the Relict and Administratrix of William Drum-
storing	mond late of Virginia deceased being this day
some	read at the board setting forth that His Ma ^{ty}
goods to	was graciously pleased, upon the report of the
y ^e Widow	Lords of the Committee for Trade &c to order
Drummond.	the Lieut ^t Governor & Council of Virginia not
	only to quiet the Petitioner in the peaceable possession of her
	Plantation which upon the Execution of her said husband was
	seized by the late Governor there but to be aiding to her in the
	Recovery of whatsoever she is not yet restored unto or the
	value thereof.

But there being not any mention in the said Report of several Goods, viz^t one Trunk with Clothes and Plate in it, four Quarter Cask of Brandy and several protested Bills of Exchange which were seized upon board the Ship Francis and disposed of by

S^r John Berry who was one of his Ma^{ty}s late Commissioners for reducing & settling the Colony of Virginia, the Petiti^oner most humbly prayed the Same might be restored unto her Which their Lordships taking into consideration and the said S^r John Berry attending and declaring his readiness to restore unto the Petitioner such of the Goods belonging to her husband as are not disposed of and the product of such as have been sold except the Wines & Brandy which he the said S^r John Berry alleged to have disposed of in his Ma^{ties} service. It was therefore Ordered by their Lordships that the said S^r Jo: Berry do and he is hereby authorized and required to cause all the Petitioners Plate, Clothes and Goods, by him seized and remaining unsold as also the product of such other dry goods as are disposed of together with the papers and protested Bills of Exchange to be forthwith restored to the Petitioner. But as to the Wines and Brandy their Lo^{ps} will report the state thereof to His Ma^{ty} in order to receive his farther pleasure therein.

(TO BE CONTINUED.)